

City Council Introduction: **Monday**, March 19, 2001

Public Hearing: **Monday**, March 26, 2001, at **5:30** p.m.

Bill No. 01R-59

FACTSHEET

TITLE: COMPREHENSIVE PLAN AMENDMENT NO. 94-56, requested by the Director of Planning, to amend the 1994 Lincoln-Lancaster County Comprehensive Plan to adopt the ***“Southeast Lincoln/Highway 2 Subarea Plan”*** for the area generally from So. 56th to So. 98th Streets, from Old Cheney Road to ½ mile south of Yankee Hill Road, including any associated amendments to the land use, phasing, utility and/or community facilities sections of the Plan.

STAFF RECOMMENDATION: Approval, as revised on February 22, 2001.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 11/29/00; 01/10/01; and 03/07/01
Administrative Action: 03/07/01

RECOMMENDATION: Approval of the revised Subarea Plan dated February 22, 2001, with one amendment pertaining to the northwest corner of 84th & Hwy 2 (8-0: Carlson, Steward, Hunter, Krieser, Taylor, Duvall, Newman, and Schwinn voting ‘yes’; Bayer absent)

1. The ***“Southeast Lincoln/Highway 2 Subarea Plan”*** had public hearing before the Planning Commission on November 29, 2000, January 10, 2001 and March 7, 2001. This Factsheet includes:
 - Planning Department Staff report dated November 20, 2000 (p.2-7)
 - Minutes of the public hearing and action by Planning Commission (p.8-24)
 - Status of Requests (Exhibit “A”) dated March 7, 2001 (p.25-27)
 - Memorandum of Stephen Henrichsen dated February 22, 2001 (Exhibit “B”), which was submitted to the Planning Commission with the proposed revised Subarea Plan dated February 22, 2001 (p.28-53).
 - List of Correspondence and amendment proposals with correspondence and amendment proposals attached (Exhibit “C”) (p.54-148)

The revised Subarea Plan document dated February 22, 2001, as adopted by the Planning Commission on March 7, 2001, is submitted as a separate document.
2. The Planning staff recommendation to approve the revised Subarea Plan dated November 22, 2001, is based upon the “Analysis” and “Conclusion” as set forth on p.2-5.
3. There was considerable testimony at the original public hearing on November 29, 2000, and the Planning Commission voted to defer for six weeks to give the staff and the interested parties an opportunity to further meet and negotiate. (See also Minutes, p.8-14).
4. On January 10, 2001, the Commission held continued public hearing and granted the request of Kent Seacrest for a second continuance until March 7, 2001. (See also Minutes, p.14).
5. The revised Subarea Plan document which resulted from the meetings and negotiations with interested parties, was submitted on November 22, 2001.
6. On March 7, 2001, the Planning Commission held continued public hearing. The testimony is found on p.15-22. There were several oral requests for amendment. The written request for amendment submitted by Mark Hunzeker for the “triangle” owners is found on p.134-135; and the written request for amendment submitted by Bevan Alvey on behalf of the Pine Lake Association is found on p.132-133 (referred to as Exhibits “A” and “B”, respectively in the Minutes).
7. On March 7, 2001, the Planning Commission took action on the proposed revised Subarea Plan dated November 22, 2001, and voted 8-0 to recommend approval, with one amendment regarding the “Triangle” at Hwy 2, Pine Lake Road and 84th Street (Commissioner Bayer was absent). See also Minutes, p.23-24.

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY:

REFERENCE NUMBER: FS\CC\CPA94-56

DATE: March 12, 2001

DATE: March 12, 2001

LINCOLN CITY/LANCASTER COUNTY PLANNING DEPARTMENT
STAFF REPORT

P.A.S.#: Comprehensive Plan Amendment #94-56
Southeast Lincoln/ Highway 2 Subarea Plan

Date: November 20, 2000

PROPOSAL: Director of Planning request to amend the 1994 Lincoln-Lancaster County Comprehensive Plan to adopt the "Southeast Lincoln/ Highway 2 Subarea Plan" and amend the land use, phasing, and park plan sections of the Comprehensive Plan.

GENERAL INFORMATION:

APPLICANT: Kathleen Sellman, AICP, Director of Planning
555 S. 10th Street
Lincoln, NE 68508
(402) 441-7491

CONTACT : Stephen Henrichsen
Planning Department
(402) 441-6374

LOCATION: Generally between 56th and 98th Street, from Old Cheney Road to ½ mile south of Yankee Hill Road.

EXISTING LAND USE: Mainly large lot "acreage" residential uses and agricultural uses, includes the Trade Center commercial area, urban residential neighborhoods and Lincoln Christian school. More urban residential uses are under development.

ANALYSIS:

The staff report provides a summary of the vision of the subarea plan. The proposed subarea plan includes many more details as to the development issues in this area and as to which items may need to be addressed in the future.

1. In September, 2000, Kent Seacrest, on behalf of Andermatt LLC, submitted a draft subarea plan and associated studies for the 84th & Highway 2 area. The need for the subarea is found in Exhibit "E" of a previous conceptual subarea plan found in the 1994 Comprehensive Plan. The conceptual plan outlined the need for a subarea plan for the S. 84th & Highway 2 Subarea and identified several issues for the Subarea Plan to address:
2. This subarea plan began with the Andermatt submittal. However, there many changes and updates were made to the subarea plan as a result of continued study and discussion. The subarea plan forwarded for review is submitted by the City, not Andermatt.
3. This subarea plan will replace the previous "conceptual" subarea plan and exhibits A through E from the November 1994 Comprehensive Plan.
4. The purpose of this subarea plan is to provide a vision for the desired future for this region and to serve as a guide for review of future development proposals. The vision of the subarea plan is to:

- C **Provide for Future Commercial Centers;** clarify appropriate areas for commercial use following the current traffic models which assume an additional 2.12 million square feet (SF) of commercial space.
- C **Provide Effective Land Use Transitions;** provide appropriate transitions from commercial to residential land uses. Within commercial areas, office and lower intensity commercial uses along with appropriate buffer areas should be developed as a transition to adjacent residential areas. In some areas, “residential transition” uses should be provided to adjacent lower density residential uses. Residential transition uses could include churches, domiciliary care facilities, retirement apartments, child care facilities or townhomes. In more urban settings, which are further from existing single family residences, apartments may also be appropriate as a residential transition uses.
- C **Efficient Use of Transportation Network;** land use decisions must consider the impacts on the transportation network. The proposed land uses are scaled to the capacity of Highway 2 and 84th Street and to retain the community’s desire Level of Service C on the roads. Highway 2 is not just a roadway used by local residents, it is a highway that serves the whole community and region. The traffic flow capacity of this corridor should not be overloaded. It is also important to emphasize that the analytical model’s future traffic capacity assumes the construction of the beltway and also assumes limited access and traffic signals along Highway 2.
- C **Promote a Desirable Entryway;** standards for landscaping and architecture should be developed to promote a desirable entryway into Lincoln along Highway 2 — however, standards alone will have little impact if land use decisions strip the area with commercial uses, signs and cause the widening of Highway 2 to six lanes. It will be difficult to have enough landscaping to reduce the visual impact of potentially 9 or 10 traffic lanes (6 through, dual left and right turn lanes.)

5. The subarea plan includes several important land use decisions. In summary the significant decisions include:

- C **Clarify the appropriate size and type of uses in the Center at 84th & Highway 2:** this subarea plan designates the area from 91st to 98th for residential use along with a regional center with over 1.9 million SF of commercial space -- larger than the present Gateway shopping center. The plan encourages the center develop with a mix of uses, including residential and appropriate transitions to existing residential areas.
- C **Retention of Low Density Residential Character:** the character of this area today is predominately low density residential. The Comprehensive Plan encourages preserving and respecting the character of the existing neighborhoods. The impact on existing areas should be a priority in all land use and transportation decisions in this area. The low density residential designation is kept on existing neighborhoods. In addition, the property on the southwest corner of 84th & Highway 2 should remain low density residential. It does not have a safe access point to either Highway 2 or 84th Street. This site is fully integrated into the land use and road pattern of the surrounding neighborhoods and due to the features of the site can be developed residentially.
- C **Changes from Low Density to Urban Residential:** several vacant properties along Highway 2 are appropriate for urban residential. Development of residential is possible along Highway 2 and will retain the residential character of the area. Several of these properties have existing

topography and trees which help screen the property from the highway while others may require additional screening.

These properties are key to the overall vision for the area. Commercial development on these properties could have significant transportation impacts, such as requiring six lanes on Highway 2 and 84th Street, and could impact existing residential uses. The impact on the traffic network of strip commercial may also impact the mobility of existing residences and have a visual impact on the entryway into the community.

6. There have been several requests for commercial development in this area. In the past, a change of zone for a Shopko and Menards in a center of approximately 290,000 square feet (SF) was proposed at 60th and Highway 2. This proposal, for land designated as residential in the Plan, was denied by the City Council in May 1994.
7. A change of zone to B-2 Planned Neighborhood Business for an area designated as commercial in the Comprehensive Plan is pending before the City Council at 70th and Highway 2. Livingston Investments has proposed approximately 267,000 SF of commercial space.
8. Currently, the following Comprehensive Plan commercial proposals have been requested:

<u>Proposal by</u>	<u>Proposed Commercial (Approx. S. F.)</u>	<u>General Location</u>
Hampton Development Services	300,000	west of 84 th , north of Hwy. 2
St. Elizabeth's & Kirkpatrick	150,000	west of 84 th , south of Hwy. 2
Andermatt LLC	3,000,000	84 to 98 th , both sides Hwy. 2

Note: proposal by Hampton Dev. is on land owned by Catholic Dioceses of Lincoln, Stan & Grace Portsche, Bruce Brinkman and the Seventh Day Adventist Church.

9. Proposal letters on behalf of Hampton Development, Stand & Grace Portsche, St. Elizabeth's and Andermatt LLC are included at the end of this report.
10. Additional letters on behalf of the Cheney Improvement Program, Pine Lake Association, Pine Lake SID, Rural Water District #1 and the Lincoln Berean Church regarding the proposed subarea plan are also included at the end of the report.
11. The Comprehensive Plan states the following on page 58 of the Plan:

"In order to determine a proposed development's compliance with the Comprehensive Plan's commercial balancing strategy, an impact study should be required as part of any request for a change of zone or use permit application for a large scale commercial development on more than twenty-five acres or containing more than 250,000 gross square feet. Similarly, an impact study should be implemented when a large scale development involving retail or service retail is proposed on more than twenty acres or containing more than 200,000 gross square feet or when a large scale development involving office or service office is proposed on fifteen acres or containing more than 150,000 gross square feet."
12. Currently, a requirement for a market study is only included in the zoning ordinance in the B-5 Planned Regional Business district. The potential need for a market analysis will be addressed in the review of the proposed B-5 zoning for the property northeast of 84th and Highway 2.

13. The current Comprehensive Plan already provides significant guidance as to the community's values on future development. The goals and strategies of the Plan encourage
- *"Concentrate new growth in the Lincoln urban area and in the villages throughout Lancaster County. Protect existing rural areas from urban sprawl through planned development.*
 - *Encourage the coordination of the siting of regional retail centers and the transportation plan.*
 - *Provide geographically convenient and accessible retail areas throughout the City and County so as to provide the widest possible variety of goods and services.*
 - *Discourage strip development and spot zoning and encourage more compact and higher quality retail and commercial development.*
 - *Protect and improve important vistas and entryways to the city.*
 - *Consider the development of new, major corridors such as the Beltways as linear open spaces as well as major highways, integrated into development and open space patterns in developing parts of Lincoln."*
 - *"Provide geographically convenient and accessible retail areas throughout the City and County so as to provide the widest possible variety of goods and services.*
14. There are still issues regarding the financing of needed utility and transportation improvements that will need to be resolved regarding this area in the upcoming development proposals.

CONCLUSION:

In general a subarea plan identifies issues and details that will need to be addressed in the future, and offers specific guidance as to how development should be accomplished within the area. This subarea plan is particularly crucial to the future of this area and to the community as a whole. The land use and transportation decisions made here will impact the transportation network throughout the community. The subarea plan includes potentially Lincoln's largest regional commercial center and a major entryway into Lincoln. And most importantly, this subarea is home to thousands of persons who will have to live daily with the impact of these decisions.

The community has an opportunity to provide a distinct impression of its desired future for this subarea. The vision of this subarea plan is one that retains residential character of the subarea, while providing for well planned commercial centers to serve the residents.

There has been significant effort spent over the past several years to study the transportation impact of commercial development in this area. This subarea plan provides for approximately 2.1 million square feet of additional space. That is more than double the amount of space in Gateway Mall and is in addition to the existing 1.4 million SF in the vicinity of Edgewood. Proposals to substantially increase this amount of commercial space may argue that more commercial sites can be done without any traffic impact on transportation network. While the transportation impact will continue to be reviewed, it is well established that as commercial space increases there will be an impact on the road network. One of the most important actions a community can take to address concerns about traffic congestion is to make wise land use decisions in advance of development.

The impact on the transportation network, though, is neither the sole nor most important reason for proposing residential uses along the Highway 2 corridor. Additional commercial development will also impact the existing residential character of this area, the character of the entryway into Lincoln and, potentially, the existing residences.

Currently, the route along Highway 2 in this subarea, with the native landscape and residential character, is one of the most beautiful entrances into Lincoln. The community now has the opportunity to plan in advance what type of character is desired in this corridor and the surrounding subarea in the future. This area will change -- and as a community we can provide the direction.

A neighborhood meeting was held on November 14th to discuss an early 6 page draft of the subarea plan. At that meeting several persons requested additional time to review the proposal.

STAFF RECOMMENDATION: Continue Planning Commission public hearing until December 13th, at that time, approval of the following:

1. Amend Figure 16, "Lincoln's Future Land Use Plan, page 39," and Figure 17, "Lancaster County's Land Use Plan," page 41, to revise the land uses and future service limit as shown on Figure 2 of the subarea plan.
2. Amend Figure 38, Lincoln Area Current and Future Trails Network, page 120 to add trails as shown on Figure 7 of the subarea plan.
3. Amend Page 197, Figure 65, "Lincoln Service Limit and Phasing Plan" to
 - a) change the designation of land within the subarea which is currently inside the city limits to Phase I,
 - b) change the designation of land within the subarea which is currently shown as Phase III to Phase II for near term development,
 - c) amend the "Lincoln's Future Service Limit" to reflect the future service limit as shown on the subarea plan.
4. Amend the Appendix A, Part I, "Approved Subarea Plans" to state the following:

"The following list and accompanying land use maps recognize those documents which have been approved as official subarea plans. These subarea plans are officially approved documents intended to add detail to this Comprehensive Plan and to guide public and private programs and actions in specific geographic regions."

Add the following to the list of approved subarea plans.

##. The Comprehensive Plan Amendment 94-56 Southeast Lincoln/ Highway 2 Subarea Area Plan-- approved by the City Council Resolution No. A- on , 2001."

The Southeast Lincoln/ Highway 2 Subarea Area Plan is shown as attached:

5. Amend the Appendix A, Part I, "Approved Subarea Plans" to delete Exhibit A through E of the conceptual subarea plan for 84th & Highway 2 and to amend the text as follows:

~~“Also included in this section is a “conceptual” subarea plan for the commercial area around South 84th Street and Highway 2. The conceptual plan requires further refinement but will be guided by the information contained here. Additionally, a subarea plan for the N1-N2 Planning Zones should be developed prior to further development actions in the area. (Amendment 94-30)”~~

Prepared by:

Stephen Henrichsen, AICP
Planning Department

COMPREHENSIVE PLAN AMENDMENT NO. 94-56

“SOUTHEAST LINCOLN/HIGHWAY 2 SUBAREA PLAN”

PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 29, 2000

Members present: Carlson, Steward, Newman, Hunter, Duvall, Schwinn, Krieser, Taylor and Bayer.

Planning staff recommendation: Continued public hearing on December 13, 2000, then approval.

Steve Henrichsen of Planning staff submitted two letters in opposition to additional commercial areas in the subarea plan beyond what is shown.

Proponents

1. Steve Henrichsen of Planning staff presented the proposed Comprehensive Plan Amendment.

The subarea plan goes back to November, 1994, when the Comprehensive Plan was adopted. At that time, the very large potential commercial site at 84th & Hwy 2 was amended into the Plan. It was first proposed in June, 1993, by the Planning Department as part of the draft Comprehensive Plan. There was considerable discussion from June, 1993, to November, 1994, and it was in September, 1994, that a conceptual subarea plan with Exhibits A through E was added to the draft Comprehensive Plan and the Comprehensive Plan was ultimately adopted. The Exhibit E referred to is Exhibit E of Appendix A of the Comprehensive Plan, where we list all of the approved and adopted subarea plans.

The focus of that conceptual subarea plan was on the future zoning of the commercial area shown in the Plan at 84th & Hwy 2. When that commercial area was put in the Comprehensive Plan in September of 1994, Tim Stewart, the then Planning Director, “reiterated that the phasing plan and land uses are preliminary and independent upon results of studies for this area that are hereafter described.” Those studies included traffic, environmental studies, sanitary sewer studies, etc., that needed to be provided prior to the zoning of this site.

Since September, 1994, that has been the underlying assumption that we have operated upon—that these studies needed to be completed and the commercial area as shown was preliminary.

Subsequent to adoption of the Plan in 1994, in November, 1997, as part of the annual review of the Plan, Kent Seacrest did submit an 84th & Hwy 2 subarea plan that included an incomplete traffic study and it was deferred until those studies were complete. From November, 1997, to September, 1998, there was considerable discussion between the staff, Seacrest and consultants. In September, 2000, a subarea plan and two traffic studies and a sewer study were submitted to the Planning Department and Public Works for review. As a result, the staff has heard from numerous other property owners in regard to their concerns and issues.

While the subarea plan in 1994 was appropriately sized, it only covered 1.5 miles. At this time, the staff believes it is much more appropriate to have a subarea plan of much larger area. Henrichsen then referred to page 230 of the agenda. The staff is recommending that the area range from 56th to 98th Streets, generally from Old Cheney Road on the north to ½ mi. south of Yankee Hill Road on the south. The staff is proposing a much larger area because many of the transportation and land use impacts are with regard to a lot of properties up and down the Hwy 2 corridor.

The staff has taken the Seacrest subarea plan draft and made several changes. The Planning Department requests that this public hearing be continued to December 13th because some of the neighborhood associations have not had opportunity to fully review the proposal.

The general basic points of the subarea plan are listed on page 6 of the subarea plan. The purpose of the proposed land uses and transportation network is to discourage strip development and protect and improve the entryways to this area of the city.

The proposed subarea plan provides for 2.1 million sq. ft. more of commercial space in this area (which is equivalent to two Gateways).

With regard to entryways and the transportation network, the Long Range Transportation Plan (LRTP) showed this area for four lanes. The staff has done numerous traffic models adding 2.1 million sq. ft. and finds that the traffic capacity is generally at or slightly below the capacity for four lanes. There are existing residences and this is an area undergoing change. This needs to be done in a way that is sympathetic and takes into account the characteristics of the area.

Steward commented that it would appear that we are vulnerable to increased pressure on Highway 2 for two types of land use conditions. One is strip and how extensive and continuous strips become with multiple ingress/egress opportunities off Hwy 2, and the other is cross-highway traffic. On the original submitted proposal, there was a much larger acreage for the commercial development that ran from Hwy 2 north and then more extensively east, than the Planning Department's proposal; however, in both cases there is cross-highway retail, more or less, as if it was a center with a highway running through it. Steward asked staff to explain the logic. If we have the flexibility of changing the land pattern according to the Planning Department model, why would we even consider a cross-highway retail in this location? Henrichsen responded that the large center at one point went from 84th to 98th from Pine Lake Road to Hwy 2. The staff proposal shows urban residential while retaining the commercial designation on the south side of Hwy 2. In looking at the features of this part of the site, the staff believed that a certain area was appropriate for urban residential uses. On the south side of Hwy 2 there is an area between 84th and 91st with an existing rail line on the south end. We look at the center on the north side of Hwy 2 as being the type of commercial use integrated with the whole, with trips within the center and the commercial on the south side of Hwy 2 may be more highway commercial oriented. The applicant's original proposal was for a median opening and intersection at approximately 87th Street. Potentially there might be an opportunity for an underpass on Hwy 2 at this point.

Bayer inquired whether the additional 2.1 million sq. ft. is just the corner or whether it includes the 70th & Hwy 2 and 84th & Old Cheney sites. Henrichsen advised that Andermatt had proposed 3 million sq. ft. 267,000 sq. ft. is part of the Willow Brook proposal at 70th & Hwy 2 in addition to the 1.4 million sq. ft. in the area of 56th & Hwy 2. The proposal does not include any commercial development in the neighborhood centers at 84th & Old Cheney, 56th & Pine Lake Road, etc.

Proponents

1. Charlie Humble testified on behalf of **Shopko Stores, Inc.** In relation to what is identified in the Subarea Plan as future commercial sites, Shopko certainly would like to recommend that the Shopko site located adjacent to the Trade Center on the south side of Hwy 2, be included in any future commercial designation. The Shopko site consists of about 55 acres, located in close proximity to the Trade Center, Edgewood and the south side of the highway. In late 1993, Shopko made application for a Shopko and Menards combination of 290,000 sq. ft. that was turned down. Since then, the Comprehensive Plan designation has been urban residential. There will be no Shopko store located here, but the site is conducive to what we would envision as a high end retail site with perhaps some offices. Some creative grading could be done on the site and it

is interesting because there is a large green space behind it to the south; it abuts the Trade Center, so it does not directly abut any of the residential property in the area.

Humble advised that inquiries have been made and they are increasing from others who would want to develop this property as high-end retail and office. They anticipate a very attractive highly landscaped buffered type development. This site's only access is onto Hwy 2. There has not been one single interest expressed for residential, but there have been a number of inquiries about commercial in the future. There are reasons why there is no residential interest—proximity to existing commercial, traffic, etc. This site would not fit into the definition of a traditional strip center. It would be foolhardy to ignore it as a potential commercial site.

Humble wanted to make sure that there is an understanding that this site exists, and even though the Shopko store was denied in 1993, the property still should be developed as commercial.

2. Bill Rentschler, resident on the north end of Old Cheney Road, believes this subarea plan development has been going on for four or five years and Cheney has not had a lot of opportunity to provide any input. Rentschler lives on the northernmost property of Cheney. Some of the problems that the Cheney residents have is the transition area from the development north into the west. Currently, there are nine different property owners in the northern strip. Two of those owners will remain where they are—the church and an industrial site with a home. Rentschler suggested that the land use in that area is not being used too appropriately. The people in Cheney would like this area to be developed well. The proposal being presented today shows the property as urban residential, but in order to develop there will need to be a developer to do it; otherwise there are 9 individuals with 3-9 acres apiece. The northernmost point is close to the intersection; it is the highest elevation in the county with a view of the Capitol; it certainly could have commercial applications. Rentschler believes that these property owners need to spend more time with the Planning Department to discuss this area. He would like to see some kind of transitional commercial on that corner location to make it attractive for a developer to develop, while developing it in conjunction with the people of Cheney. He understands this is tied to annexation of Cheney proper, but he believes we can solve the problems if we look at them right now. Rentschler requested to meet with the staff between now and December 13th.

Steward inquired whether there is a board of supervisors of Cheney. Rentschler stated that there is a community improvement program. They have tried to address the issue on the north end but have not been able to do that. He believes the development will be good for the community in general, but we need to address things specifically. It is a key factor in what we see in Cheney.

3. Gayle Hanshaw, President of Cheney CIP, testified in support. The Cheney CIP would be willing to meet with the staff. They have reviewed the proposed subarea plan and they believe it is an okay project that will bring some increase in quality of life for Cheney. But they do have some concerns, including the entryway. All through the document, “entryway” is probably mentioned the most of any other term. He would like the orientation be to the south and be part of the entryway into the community. Other concerns deal with the entrances into the Cheney community. The proposal shows 91st Street being moved at the north end where it joins Hwy 2 to intersect with a road to be built as a continuation of Yankee Hill Road to the southwest. He would like to see some traffic counts taken on 91st Street because he is concerned that there is not ample room being designed for stacking of traffic with traffic coming into the shopping center. There is also a recommendation that Yankee Hill Road be closed where it comes into Cheney. Cheney would like that left open. He would look forward to meeting with the group that has been formed to address the issues. Cheney wants the opportunity to be involved. Cheney has no legislative authority but the Community Improvement Program would like to have a voice in the process.

4. Beverly Mosher, 6363 So. 70th, testified in opposition to the commercialization of the southeast corner of 70th & Hwy 2. She lives on the northwest corner and is a member of the Family Acres Association, one of five organizations definitely opposed to commercialization. There are a number of important issues including serious traffic problems if this area is commercialized. 70th & Hwy 2 is presently a very busy intersection; if we bring a lot of additional traffic into that area we are making a much more dangerous situation. She is also very concerned about the fact that this has been incorporated into the major plan. The question is, why do we need anything at 70th when this large area at 84th is already designated and has long been designated for commercial? She moved into an area that the Comprehensive Plan had designated as AGR and the neighbors have built homes on acreages to be in a rural residential setting. The Mosheres have had two very substantial offers to purchase their land, which they would not even consider because they have respect for the neighbors in that area. The people in the five neighborhood associations went door-to-door to get petitions signed by property owners who are directly involved. Every signature on those petitions (640) are people directly involved. Mary Jo Livingston presented 1200 signatures, but she knows that those were gathered from people with no connection to this area. We all wonder, why should the greed of one individual supersede the lifestyle and wishes of all these people that live in this area? We purchased our property in 1959 and we are committed to the area. Livingston purchased the property purely on speculation.

Bayer pointed out that this is a Comprehensive Plan amendment and the area which Mosher is referring to is currently designated as commercial in the plan. Mosher stated that she would agree to office space. None of the neighbors understand how it became commercial. None of the neighbors were made aware of it until it was an accomplished fact. Bayer inquired whether Mosher is indicating that commercial is acceptable. Mosher is not opposed to the office services that do not bring the intense lighting and noise.

Bayer asked staff to review the uses shown on the map. Henrichsen pointed out that there are a few areas that are specifically designated. 70th & Hwy 2 is designated as retail but there are some transitional uses shown on the edge.

5. Harold Mosher testified in opposition. He is well aware that any plan adopted will not please everyone; he is well aware that any plan cannot be perfect; consequently it is entirely possible that the plan will have to be amended in some respects and there is nothing wrong with amending a Comprehensive Plan, and there is nothing wrong if it is done on careful consideration and if there is a demonstrated public need, but no Comprehensive Plan adopted should ever be amended on a whim. For example, an industrial owner knew that his company in processing food emits an odor and also knew and hoped that his company would prosper and get bigger and emit more odors. He asked for the status quo because he has a substantial investment in it. The problem before the Council at 70th & Hwy 2 is the same point. These homes have a substantial investment and they don't want it broken off arbitrarily and have some kind of commercialization put in their back yard. Consider your plan carefully. Go a step further, ask the City Attorney's office to work with you in developing some procedures so that when someone comes before the Commission and asks for a change, there are some procedures set in place before that can be done. Just keep the playing field level and keep it in such a procedure so that a layman can come before you and do it. He has great faith in the intelligence and integrity of the American public when given proper instructions. However, there are those that will try to work the system and if you don't have procedures in place, that is exactly what will happen. There were people who signed in favor of Home Depot at 70th & Hwy 2, but they were not told where it would be located, nor about the traffic congestion—we'll never know. We did learn that someone who signed it lives in Firth, Nebraska. Some kind of procedure has got to be put in place. We heard a letter written by the President of the Homeowners Association in which they expressed glowing reports to have Home Depot located there. The letter is not under oath. Mosher visited property owners on Stevens Creek Road and they were not aware of the Home Depot but they signed a petition for commercialization. In all those homes he visited in 1.5 miles he found 3 people that thought Home Depot should be permitted. He found 2 people that didn't want to be any part of it. The rest of them signed his petition in opposition, and yet the President of the

Homeowners Association is making a claim. Mosher urged the Commission to put procedures into place. People spend lots of money to develop their homes and they should have the integrity of having them preserved.

6. Alan Slattery, attorney, 1201 Lincoln Mall, appeared on behalf of **Pine Lake Association** with 132 residences in this subarea plan. The Pine Lake Association is very interested and is working with the developers and the Planning Department. He will be prepared to present their views on the subarea plan in two weeks.

7. Brian Carstens appeared on behalf of **West Corp.**, the owner of approximately 10 acres, previously shown as commercial. The current proposal shows approximately 40% of it as commercial transitional and West Corp. wants to be on record with a request that their entire site be shown as retail. West Corp. is in favor of Andermatt's proposal to have access on Hwy 2 between 98th and 84th.

8. Bruce Johnson currently resides on an acreage in the subarea plan. He is in favor but he would like to see a few things changed. He wants some of the commercial status to stay in place until some of the studies are completed. He would like to defer any change until we know what's going to go on in the future.

9. Kent Seacrest appeared on behalf of **Andermatt, L.L.C.**, which is the largest property owner in what used to be a proposed larger red commercial area at 84th & Hwy 2. However, Andermatt is not the only property owner that is located in the area from 84th to 98th, Yankee Hill up to Pine Lake. There are four other property owners that Andermatt has been working with. There has been a lot of history. We are talking about Lincoln's's next largest shopping area, as well as mixed use, office, and large employers. Andermatt had hoped to have the Gallup site. The history was to make this big enough to serve the market, big enough to be master-planned, big enough to have large setbacks and buffers, big enough to protect the Hwy 2 entrance and big enough for commercial to locate in a master-planned site rather than stripping the Hwy 2 corridor.

Seacrest pointed out that former Planning Director, Tim Stewart, stated that this area was intended to have all those visions. He also said that it would have 1,900,000 sq. ft. for the planning period–2014. But it was intended to eventually be larger and it should be in a coordinated master plan setting.

Seacrest indicated that his client has been working pursuant to Exhibit E. That effort has been many years in the making; they have had two different peace treaties with the Pine Lake neighborhood. First, they relocated a power line so that it would not be next to the neighborhood. The second peace treaty was moving the roads – South 84th is being shifted to the east, and Pine Lake Road is being moved to the north to get 84th to be further away from the Pine Lake neighborhood. Those were very expensive items.

Seacrest further stated that they got to the point where, after 10 years of effort, Andermatt was able to submit the Exhibit E studies, which include a subarea plan of 65 pages along with the traffic study, environmental study, infrastructure study and phasing studies. Andermatt requested 3 million sq. ft. Five million square feet would be allowed with the FAR. The proposed subarea plan by the staff comes forward with 1.9 million sq. ft. "forever". Andermatt also showed a big lake to help the stormwater protection plan of Stevens Creek, and we don't see that lake under the staff proposal. Andermatt also proposed a major intersection on Hwy 2 and we don't see that on the staff proposal. Those are very critical issues to his client for amenity purposes. Gallup liked this site because of that lake. We need the entrance off Hwy 2, 84th, Pine Lake and the new Yankee Hill in order to disperse the traffic.

Seacrest stated that he is not making a presentation today. The bottom line to all of this is that he received this draft plan two weeks ago. Last week, he was told that their two major traffic studies are not acceptable to the city because they showed intersections that the staff did not like and square footage that they did not like. As a result, Seacrest met with the staff last week to figure out what they can agree upon and determined

that Andermatt gets to redo the traffic study, and it will not be done until December 15th. Therefore, Seacrest requested a continuance until January 10, 2001, because the Commission is not meeting on December 27th. Seacrest wants to get the traffic study done and share it with staff and the neighbors. He will not be ready to present his client's position on December 13th.

Steward inquired whether Seacrest's client owns property on both sides of Hwy 2. Seacrest responded in the affirmative. Steward wondered whether Seacrest had given any thought in view of a reduced strategy to develop only on one side. Seacrest stated, "no, we have not". He offered to discuss it with his client, but the whole purpose was for the highway services that the community needs and they wanted to segregate it from the center and the larger employer sites. Steward believes that entryway considerations are important and we have already abrogated the notion that we would congregate all of the highway stuff in one place by our action at 70th & Hwy 2. So we begin to get the strip edge, strip edge, strip edge, kind of configuration in this entryway into the city. It would seem to be commercially viable that there would be more contiguous property with more options rather than split across the highway. Seacrest will be glad to give it consideration. His client's site was designated in 1994, long before the 70th & Hwy 2 site was designated. As part of the subarea plan, Andermatt has proposed a 100' setback buffer which far exceeds anything along any of the corridors along any entryway in Lincoln. That setback buffer was intended for both the north as well as the south. His client's proposal is a very low FAR with massive amounts of open space by design to do the quality upscale condition. Steward appreciates that there are design strategies to mitigate the worst case scenario.

Realizing that this came to the forefront in 1994 before the beltways, and that the beltways will probably cross at least one mile away, Schwinn wondered whether this site may be rendered insignificant by those beltways or by the Stevens Creek Subarea Plan. Seacrest believes Stevens Creek will add a lot to the plan because Stevens Creek is abutting so the new homes will be using this facility and they will discover that it is well located. We are now discovering that retailers wish the Andermatt site was a couple miles closer in. To develop that end of Stevens Creek depends on how you sewer it and it might be a considerable period of time. He is not sure we should put all of the commercial on the beltway corridor. Seacrest wishes the beltway was here today and he is looking forward to see the south one done in a shorter period of time.

There was no further public testimony.

Steve Henrichsen advised that the staff is not opposed to a continuance to January 10th. The staff will need to notify all of the property owners who had seen the staff report thinking it would be on the December 13th agenda.

Hunter moved to defer, with continued public hearing and administrative action scheduled for January 10, 2001, seconded by Newman.

Hunter expressed her desire that there be sincere consideration because one of the extreme ways to make a project of this size of the least impact to the surrounding area is to make sure that ingresses and egresses are adequately provided so that you don't have bottleneck entrances such as at 84th Street and at Yankee Hill. She is hopeful that staff will take some real hard looks at expanding those ingress and egress points to handle the traffic.

With regard to 70th & Hwy 2, Hunter has done a lot of research. The one thing that finally came forward from a Council member involved in the original change to commercial was that the site would never, ever be developed as residential and consequently it would just sit there and that is why it was changed. She believes that in some situations there are pieces of property that because of their shape, location, height, elevation, etc., just don't make good uses and that is why it was done.

Motion to defer to January 10, 2001, carried 8-0: Carlson, Steward, Newman, Hunter, Schwinn, Krieser, Taylor and Bayer voting 'yes'; Duvall having left during the public hearing.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 10, 2001

Members present: Hunter, Krieser, Carlson, Duvall, Newman, Schwinn and Bayer; Taylor and Steward absent.

Steve Henrichsen of Planning staff submitted two letters for the record. One from Tom Huston requesting that 7.5 acres of property south of Hwy 2, west of 66th Street, be designated as commercial transition in the subarea plan. Their intent is to pursue office zoning on the site.

The second letter is from Gayle Hanshaw, President of the Cheney Community Improvement Program, requesting a continuance until February 7th. Kent Seacrest has requested a continuance until January 24th, but Henrichsen advised that Seacrest does not want the hearing continued until February 7th.

Henrichsen advised the Commission that during the past 45 days the staff has had several meetings including discussions with property owners in Cheney, two neighborhood meetings and nearly a dozen meetings with neighbors and property owners.

Duvall made a motion to defer, with continued public hearing and administrative action scheduled for January 24, 2001, seconded by Carlson and carried 7-0: Hunter, Krieser, Carlson, Duvall, Newman, Schwinn and Bayer voting 'yes'; Taylor and Steward absent.

Opposition

1. Bill Rentschler, resident of Cheney, testified that Cheney still does have concerns. Despite meetings with the staff, Cheney is feeling left out of this process. This has been going on since the early 1990's and he knows that meetings, especially with Pine Lake, have been occurring on an ongoing basis. Cheney is a community of 125 years and a village of 65 families. Access in and out of Cheney is an issue. The road crossing the field has been discussed as being a no left in and no left out turn and this will hamper the main entrance into the Cheney community. The Cheney residents will have to come clear down to 98th Street and come back in. That would be a problem and they would like this considered.

There are seven land owners owning approximately 20 acres. The people are concerned about development in that area. It is currently zoned AGR and there is R-2 in the subarea plan. If we're looking at 20 acres to develop north of Cheney, it will have to be a developer that is willing to come in and do that. He is not necessarily looking for all of this to be commercial. Five of the seven landowners have been contacted and they are willing to look at development. They are willing to move out of that area but it is going to have to be some kind of zoning to attract a developer. Cheney has been waiting for the subarea plan, but they are afraid they are going to come up short in terms of not being prepared. Rentschler requested that the Commissioners keep an open mind.

Rentschler noted that the first page of the subarea plan talks about annexation of Cheney. Development on the north end is going to be dependent on that annexation. People are talking about these things in the community and he wonders at what point people will approach Cheney. The sewer in Cheney is at capacity now. The SID needs to make a decision as to whether to build another lagoon. The water is not real good. Cheney would benefit from the police and fire protection. The downside will be the school district. Rentschler indicated that Cheney will attempt to be back with some issues resolved at the next meeting.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 7, 2001

Members present: Carlson, Steward, Hunter, Krieser, Taylor, Duvall, Newman and Schwinn; Bayer absent.

Staff recommendation: Approval of the revised Subarea Plan dated February 22, 2001.

Steve Henrichsen of the Planning staff submitted additional information including a letter from a resident east of 98th expressing concerns in regard to specifically the Andermatt property and access to 98th Street, and how the Andermatt property is developed between Yankee Hill Road and Pine Lake Road.

Henrichsen also submitted an updated list of requests for amendment (Exhibit "A"), with three new requests, #14, #15 and #16. The Rural Water District is proposing additional language; however, the staff is recommending that the existing language be retained because there is not yet agreement as to compensation to the Rural Water District.

There is a request to add 1 acre of commercial use at the northeast corner of 84th & Old Cheney. The staff is recommending that the designation remain Urban Residential.

Another request is for the northwest corner of 84th and Old Cheney which the staff recommends remain as Urban Residential.

Henrichsen advised the Commission that a public meeting was held at the Berean Church and the staff has forwarded all comments to the Commission. The revised subarea plan dated February 22, 2001, has been sent to the Planning Department's subarea plan mailing list and meetings were also held with the Pine Lake and Cheney residents.

Henrichsen then reviewed several of the requests for amendment as set forth on the list.

There has been a request at Old Cheney and Hwy 2 for office (#1 on Exhibit "A"). The staff is recommending that it be shown as Special Residential instead office use. Public Works continues to review the impact that this change would have on the intersection of Vandervoort and Old Cheney. It would change from 3-way to 4-way and could impact the turning movements into Edgewood and the through movements on Old Cheney Road. The staff continues to recommend Special Residential and has changed the text on page 11 of the revised Subarea Plan.

With regard to the Shopko property (#2 on Exhibit "A"), the staff is not in agreement with the proposal for commercial designation at 66th & Highway 2. There is a definite concern about the impact on the intersection of 56th Street, Old Cheney Road and Hwy 2. The staff is recommending Urban Residential. Schwinn inquired whether this could be multi-family. Henrichsen agreed that with its location being adjacent to the Trade Center it may be appropriate for apartments. The Shopko site today is shown as Urban Residential in the Comprehensive Plan. The only real change is the addition of an area of Special Residential.

Henrichsen also pointed out that Country Meadows (#3 on Exhibit "A") supports the subarea plan as recommended by the staff.

With regard to the Rogge property request for six acres to be shown as office (#6 on Exhibit "A"), Henrichsen advised that the property is currently shown as low density residential. The proposed subarea plan identifies it as Urban Residential with a Special Residential designation.

With regard to the Realty Trust Group request for 5 acres of B-1 commercial at the southwest corner of 70th & Pine Lake Road (#5 on Exhibit "A"), the staff continues to recommend an Urban Residential designation.

Henrichsen then reviewed the staff's proposed changes to the subarea plan. One is to identify the Livingston Property as office rather than retail. This reflects the zoning of that property today.

Two street connections have been changed in Pine Lake--No. 80th and North Shore Drive. The residential street connections have yet to be resolved. Pine Lake would like both of the proposed street connections eliminated. Pine Ridge Lane would connect to a future road network to the west of Pine Lake. The purpose is to allow residents to the north to have access to a future signal at the intersection of Pine Lake Road and to provide the opportunity for Pine Lake Road residents to have the opportunity to "come out to this point".

There continues to be discussion north of Hwy 2, south of Pine Lake Road, west of 84th. Henrichsen believes they are getting very close to working out some issues, but there may need to be additional time as this goes on to City Council for discussion.

With regard to the 70 acres owned by St. Elizabeth, the staff is proposing to show the eastern 1/4 as Urban Residential. There is also a proposed amendment to the text on p.11 of the revised Subarea Plan. This site may be appropriate for densities as much as 2 dwelling units per acre if the adjacent road network were paved and urban utilities available.

With regard to the Andermatt development at 84th & Hwy 2, east of 84th, Henrichsen reported that they appear to have general agreement on the proposed amendments, i.e. a center of 1.9 million sq. ft., mixed use, with an area shown for 240 acres of development, with buffers, landscaping along Hwy 2, with full access point at 87th Street, and a revised road network generally showing property to the east for Urban Residential, development of a small lake and some major access points with some additional right-in/right-outs in the use permit.

With regard to the village of Cheney, the staff continues to recommend that the area on the south side of Hwy 2, east of 91st, be shown as Urban Residential; the staff continues to show an area of Special Residential on the property immediately closest to relocated Yankee Hill Road/91st Street; continues to show an asterisk in terms of Cheney's inclusion in the future service limits; and recommends additional text on p.10-11 to address the concerns of the Cheney residents, and to clarify that we have heard from the residents and some members of the SID that are interested in annexation. There are a lot of annexation issues to be resolved in the future.

With regard to the road connection into Cheney, currently there is a full turning movement permitted off 91st into Cheney. Page 11 of the text states that, "...Residents have also expressed their concern about maintaining adequate access into Cheney when Yankee Hill Road and 91st Street are relocated. Prior to any commercial zoning south of Highway 2, the road should be designed to provide full access into Cheney." We do not have a specific design at this time, but this language indicates that maintaining the full access into Cheney is an important part of the subarea plan.

Steward asked for a point of order, wondering whether there is a way for the Commission to deal with the entire subarea plan and then consider the separate amendments so that we know what we are attempting to change. Rick Peo, City Attorney, believes the proposal is to adopt a subarea plan. The Commission's final motion would be approval of the subarea plan, and then if someone wants to make a specific amendment, it would be a motion to amend the main motion. It is one application.

Public Comments

1. Kent Seacrest appeared on behalf of the landowner and developer, Andermatt, in support of the revised subarea plan. There are important changes that have occurred since the public hearing. He is appreciative of the major change, i.e. an at grade full turn movement at 87th & Hwy 2. Our neighbors supported us on that

and now the administration has indicated their support and this will help assure a proper front door to this shopping center.

Seacrest stated that they are working hard on the new route for Yankee Hill Road, which the revised plan shows. Andermatt has had to compromise from the original 3 million sq. ft. to 1.9 million sq. ft. (5850 pm trips). The other change not pointed out by staff is that the south side of Hwy 2 is now geared toward highway services, and the north will be primarily the bigger retail center, so we won't have comparative shopping going back and forth across Hwy 2.

Seacrest highlighted another important change, i.e. the high amenity lake, with a 100' buffer on both sides of Hwy 2, which is the biggest buffer that has been offered up and down Hwy 2 to date.

Seacrest requested that the Commission vote on this subarea plan today. This has been deferred since November and it is now 14 weeks later and we can't get our zoning and process our use permit unless this process goes forward.

Seacrest thanked the Pine Lake Neighborhood Assn. for their support. Andermatt is helping move 84th Street away from them and providing buffer spaces, and the Pine Lake residents indicate support of this vision. They have also worked out zones where we won't be putting big boxes of fast foods up against that neighborhood.

Seacrest thanked Cheney for their support and Andermatt supports them getting in and out of their community with a new full turn movement at Yankee Hill Road.

Seacrest thanked Kathleen Sellman, Steve Henrichsen, the Planning Department and Public Works officials for a lot of work to get us to this point.

2. Julie Southwick, Cheney, and **Linda Spanel**, Cheney, referred to the northern triangle and indicated that they would like to go ahead and see this as Urban Residential. They don't want any commercial or retail zoning on that property. They collected 109 signatures, 15 of which were people that come into the community. The remainder were actually residents. They believe that Yankee Hill Road on 91st Street looks like a viable project for the community.

With regard to annexation of Cheney, Southwick believes we are really at an historical, unique moment because the last time we annexed a community was Airpark. Cheney is a full-functioning community and there are a lot of different issues that will need to be addressed. Communication and interpretation will be a key factor, including the SID, schools, water, traffic, roads, streets, fire protection, safety, noise, lights, tax base, infrastructure, recreation, economic impact, buffer zones, scenic view, etc. Cheney is a rural village and the residents would like to maintain this character. How do we maintain our identity? How is the Planning Commission going to let us maintain our identity? This subarea plan will immensely help the whole program. Andermatt has been wonderful to work with.

3. Dwaine Rogge, appeared on behalf of his son, Paul, and his wife, Sandra, owners of the property at the northwest corner of 70th & Pine Lake Road (#6 on Exhibit "A"), pleading to revert the designation for their two lots back to the original designation of "transitional". The revised plan recommends Special Residential and they believe it is more appropriate to have the transitional designation, which allows small maximum 5,000 sq. ft. residential type office buildings, and they think that would be appropriate in this location. The property is at the intersection of two major arterials so the designation should be something more appropriate for that location, either the transitional that they would prefer or office zoning. Either one requires a use permit.

4. Bill Rentschler, Cheney, has spoken previously on three different issues: 1) entrance in and out of Cheney, and he believes this has been resolved; 2) annexation of Cheney, which he understands is progressing; and 3) the north end of Cheney consisting of 21 acres which is recommended for Urban Residential. Since the last meeting, he does not think the community is together on this. There are 109 signatures in favor, but he does not think the other side of the picture was presented. Rentschler requested that the Commission keep the asterisk there on the north end of Cheney. Nothing will happen unless annexation occurs anyway. He wants the area north of Cheney to be developed in a fashion that the people in Cheney are proud of and can be happy with. He believes there is a problem if people just want residential development there. With regard to annexation, Cheney is an old, established community and they will need Lincoln's help in order to develop that land in appropriate fashion.

5. Alan Wood appeared on behalf of Rural Water District #1 (#14 on Exhibit "A"). The RWD has made a recommendation to staff that there be a change in the subarea plan. As originally drawn the language "potential reimbursement" was used and then staff came back with a revised recommendation that took out "potential reimbursement" and essentially talked about a "transfer of land". This all deals with the annexation of the village of Cheney and he realizes this is somewhat off in the future. The RWD will continue to work with the people in Cheney. The RWD has 80 customers in the village and with annexation and the loss of those customers it would result in a 10% reduction in the rate-payer base for the RWD. The RWD was asking that there be language in the subarea plan that recognized the need for "potential reimbursement" of the district for the loss of its rate-payer base.

Steward asked Wood whether he has confidence the discussions will go on if the Commission approves the staff recommendation. Wood's response was, "Absolutely, we want to continue." The RWD realizes that annexation is something they are facing and the RWD will need to continue discussions with Cheney and the staff of the City to come to some reasonable solution to the problems we all face.

6. Royce Mueller, 6730 Anns Court, discussed the Rogge property. The Rogge property is directly in his back yard and he is opposed to their request for a commercial designation. He understands that there have been commercial requests for the southwest corner and now for the northwest corner. Part of his arguments with Home Depot was the commercialization of that whole area infringing into his neighborhood. This property was never designated as "residential transition". "Residential transition" would allow for the development of office buildings, barber and beauty shops, shoe shine, photo, pharmacy, broadcast towers, etc. It was never designated for that. Although he agrees with the proposed subarea plan, he would change that zone on the Rogge property to "Residential" only. They would have to tear down a residential house to build an office building and put commercial there, and it would encroach upon his neighborhood. If anything is done, the Rogge property should remain residential; however, the Country Meadows neighborhood would agree to Special Residential.

7. Brian Carstens appeared on behalf of **Marlyn Schwartz and Lonnie Athey**, (#11 on Exhibit "A") who originally had ideas for potential H-4 and had been working with the community on a roadway alignment into the Village of Cheney. They have come to agreement with the village of Cheney and will drop the idea of commercial designation at this time; however, Carstens wanted to be on record that they would like to revisit this issue sometime in the future when annexation occurs. With 91st Street, we see that as some type of mixed use development of office and some light commercial.

8. Mark Hunzeker appeared on behalf of **Hampton Development Services and Stan and Grace Portsche** (#8 on Exhibit "A"). They have been working since the last hearing with staff and with the Pine Lake Homeowners Assn. trying to resolve land use issues with respect to the area west of 84th Street, north of Hwy 2 and south of Pine Lake Road. We think that it is very important that you pay some close attention to this area. 84th Street is proposed to be relocated to the east from its current alignment. Pine Lake Road is proposed to be relocated to the north from its current alignment. On the west side of 84th, Pine Lake will

essentially cease to exist and will have an access point off of 84th with a new or a frontage road that probably stays on the same alignment down to existing Pine Lake Road. Getting in and out of Pine Lake with this new alignment, without also creating a new access point at the main 84th Street entrance to the shopping center, could be very problematic.

Hunzeker requested that the Commission think long term, and think big when thinking long term. It is counterproductive to try to squeeze down the land use on areas like this simply because someone is throwing around a term like “strip commercial”. This is not strip commercial. This is commercial, but it is not linear access every 50-100 feet. It is controlled access. It is very well-planned and consistent architecture, etc. Hwy 2 is eventually going to be a city street, probably the only city street with 200' of r.o.w. It is not a good idea to be developing single family or townhouse type residential along this road. We agree with the Pine Lake owners who do not think it is appropriate for multi-family. 84th Street needs to move, and that creates a problem in that there are three property owners who currently have frontage that abuts 84th Street and have access to 84th Street. The Portsche's have a real serious problem with the relocation of 84th Street unless there is some alternative access granted. We are understanding that Public Works is not interested in having even a right-in right-out access to this parcel, so it is very important to have this road which provides an access that runs all the way from 84th to Hwy 2 to provide a possible alternative access across the face of the front of the dam to provide access to the Portsche property. This road is also important for good access to Pine Lake. This road is about 1200 ft. long. The roads that connect 84th to Hwy 2 and the connecting road to Pine Lake amount to 1600 ft. of road. That is a lot of expense. In order for those things to happen, we need to have a project on this triangle that makes economic sense, and to support that level of infrastructure we need to be able to do something non-residential, particularly when given the amount of street they will have to build to do it. It provides a lot of benefit in facilitating the relocation of 84th and Pine Lake and providing access into and from Pine Lake Addition. We have provided a very good buffer in the form of a residential land use designation along Pine Lake Road, along with preservation of the drainageways and wetlands that exist.

Hunzeker went on to note that the plan contemplates office development at a FAR of about .11. The average FAR that the Comprehensive Plan contemplates for new commercial development is .25. Even if you exclude all of the open space, it is only .175, so we're really showing a very low intensity project and we believe we have general agreement with the Pine Lake neighbors. Hunzeker acknowledged that they have yet to reach the fine points of that agreement with respect to defining the exact nature of the buffering and lighting, etc., but they intend to do that.

Hunzeker submitted proposed language to be added to the text of the subarea plan which recognizes that they are still negotiating:

“The approval of the Land Use Map designating the area bounded by Highway 2, 84th and Pine Lake Road (“Triangle”) as Urban Residential is with the understanding that:

- 1) Owners of the triangle, the Pine Lake Homeowners Association, and the city staff are in general agreement that some office use should be permitted in the triangle;
- 2) There will be ongoing efforts to reach agreement among the owners, the Association and city staff as to specific amendments to the Land Use Map and text regarding other use of the triangle, landscape and/or residential buffering along the north edge of the triangle, transportation improvements in the triangle and other issues;
- 3) Consensus of the affected property owners in Pine Lake and the triangle is important to successful implementation of the subarea plan.

The Council is advised that the Planning Commission forwards the Land Use Map and text with the recommendation that if consensus is reached among the affected owners and city staff, appropriate amendments should be adopted by the Council to incorporate that consensus."

Hunzeker explained that this is simply a way of saying we have come very close. We didn't quite get there because of time constraints. He would like for the Planning Commission to at least acknowledge that it is important to the legitimacy of any Comprehensive Plan that the owners whose direct property interests are affected by it have achieved some degree of consensus that the plan represents a realistic opportunity for all to enjoy the benefits of the plan.

Steward asked Hunzeker whether he would be as satisfied with this if the language were that "appropriate amendments should be adopted in the future". His premise is that this is a subarea plan and, like the Comprehensive Plan, it is available for amendment at other times. The proposed language implies that you have only between now and the Council to work this out. Steward would propose to be more generous. Hunzeker does not believe it is all that easy to propose an amendment at a later time. In fact, he would suspect the staff response to such a proposal to amend the Comprehensive Plan would likely be that we should wait for the new Comprehensive Plan. Hunzeker believes the interested parties would like very much to reach a consensus on this and to incorporate that consensus into this subarea plan because they all have a desire to reach a solution to this land use question which has some degree of long term permanence as well as some short term benefit. It is very important to be able to build this roadway so that it is in place along with the reconstruction of 84th Street. In order to do that, the owners in the triangle will have to come back very quickly with a proposal for a zone change and use permit in order to get approval of grades and alignment. Putting it off until the Comprehensive Plan update would make that problematic.

Steward stated that was not his intent. His concern is that there is a level of specificity that suggests that there is a project more than just land use concerns. Hunzeker stated that they do not have a site plan yet. In fact, the drawing displayed is a reflection of discussions that were held Monday night and they today discovered that some things will change. They are very interested in getting something going on this project and he thinks the Pine Lake owners are interested in having some degree of security in knowing what they are going to be looking at.

9. Bevan Alvey, President of Pine Lake Association, stated that the Pine Lake Association supports the subarea plan 99%. The 1% that they are still looking for help on has to do primarily with the residential street connections. The Pine Lake Association has been working closely with Hampton and they are very close to an agreement. Hampton has provided Pine Lake with the items the neighbors want to see in that proposal. However, there are still issues to be worked out between staff and Hampton.

On the Andermatt project, Pine Lake worked extensively with the developer and reached a very comprehensive agreement on minimizing the impact and Pine Lake is in full support of their proposal.

With regard to the street connections, Alvey stated that over the last 30 years, Pine Lake has been in a distant cornfield on the edge of Lincoln. The residents that have built their homes out there have made the conscious choice to accept the longer drive for shopping, movies, schools, kids' practices, etc. The tradeoff for that has been the desire for quiet country living. They have very, very safe, low traffic streets and they are away from the city lights and noise with a small lake for fishing. They virtually live in a neighborhood that is essentially one large cul-de-sac. There are currently only two entrances into Pine Lake. Fundamentally, the only people that go in are the people that live there or visitors. They have very narrow streets. There are no sidewalks. One of the roads goes over a dam with a 15 mph speed zone because it is so narrow. The residents jog and walk in the streets. The children ride their bikes and skate in the streets. There are a lot of young children in this neighborhood.

Alvey went on to state that they have worked hard to build consensus with all of the neighbors and have compromised. They started off in 1994 really shocked at the idea that there would be such a large shopping area, but it did result in a compromise in which Pine Lake signed onto an agreement for the largest mall in Nebraska. Last spring they began working very hard with Andermatt, Hampton, and Mooberry to come to an agreement. He knows that Pine Lake is going to be a lot different after all of this is done.

Alvey then submitted a proposed amendment to the language in Article VI, Transportation, Subsection C, page 40, of the revised subarea plan (Exhibit "B" attached hereto). This amendment seeks to avoid any unnecessary additional traffic coming into Pine Lake. Pine Lake is concerned that their streets cannot accommodate the connections proposed by staff and they will create a threat to the safety of the Pine Lake neighborhood. The initial proposal was that Pine Lake would no longer have its complete access on Pine Lake Road to Hwy 2, but would have right-in right-out; that there would be a new entrance coming in on Westshore Drive; another new entrance on North Shore Drive; and another new entrance north of Pine Lake Road that would enter the cul-de-sac, Duggan Avenue. Pine Lake is actually hilly. It comes down steep to the 80th street intersection. There are between 10 and 12 children under the age of 10 that live in the houses along these streets.

The compromise proposal was that Pine Lake would accept the new right-in and right-out; they would accept the entrance "here" into Pine Lake, but would not have the two roads coming into this area from the north and the west. This compromise was not accepted by the staff on the basis that it goes against the open access policy of the city between neighborhoods.

Pine Lake's second proposed compromise is set forth on Exhibit "B" attached hereto.

10. Charlie Humble appeared on behalf of the **Mid-American Conference of 7th Day Adventists** (#8 on Exhibit "A"). Sometime in the past he appeared on behalf of the Conference to talk about the process of going through this subarea planning, expressing some concern about the fact that not all groups had met together and worked together, but instead individually worked. This Commission really gave the opportunity to do that and gave this opportunity that was followed up on by staff. They have met on a number of occasions and have made real progress, not toward a specific project but toward generalized land use planning within the triangle. The Conference would like to keep that progress going and keep the momentum we have established moving forward.

Humble supports the language submitted by Hunzeker. Humble further stated that the concept of a residential buffer along Pine Lake Road followed to the south by commercial/office makes sense and has been supported by the residential. We need to flesh that out and can do so in the next weeks. The road system is coming into place and that is developing very nicely. The Conference is supportive because the future of that triangle needs to be decided once and for all.

In relation to the area along relocated 84th Street which is shown as parks and open space, Humble clarified that the Conference would certainly like to own the adjacent portion of the r.o.w. after 84th Street is relocated. The Conference supports the relocation.

Charlie Humble also appeared on behalf of **Manette Kidney** regarding designation of the northeast corner of 84th & Old Cheney Road as commercial (#15 on Exhibit "A"). Increasing pressure on that single family home will go forward as time elapses and as things develop. There is commercial across the street to the south. It is totally surrounded by apartments. That is why we asked for commercial/office.

11. Gayle Hanshaw, President of the Cheney Community Improvement Program, stated that they appreciate getting 91st Street. He expressed appreciation to everyone that has worked on this process and worked with Cheney. The Cheney CIP would like some way to work in a “Welcome to Cheney” sign at that new intersection, wherever it ends up being located.

Staff questions

Steward pondered passing the staff revised recommendation without any changes. There are projects and development activity that are imminent. It seems that there are two ways that adjustment might take place. One is that a proponent could request an amendment to the subarea plan after it has been approved by the City Council, or they could apply for a specific project that staff concludes is not in conformance and the Commission could pass along a favorable recommendation even though it is not in strict conformance, which Steward believes has been done many times in the past. Henrichsen assured that the Planning Department would continue to process a request for change of zone or preliminary plat, even if they are not in conformance.

Steward suggested that the road system that is being proposed is a principal road network for “guidance”. It is not always totally as drawn in this plan, correct? Henrichsen confirmed that the subarea plan is to provide guidance for the overall network—it is not specific. Steward then pondered that the small stub roadway proposed into Pine Lake might yet change because of engineering, the surrounding land use conditions, etc. Henrichsen agreed that there could be some very specific items where there are minor changes as a result of finding additional information as the specific projects move forward. The subarea plan is to provide the big picture to make land use and infrastructure decisions that come forward.

Schwinn noted that there seems to be quite a bit of consensus on the Cheney issue. He wondered whether it might be a good idea to create a Cheney Village Planning Initiative so that we set this area out separately from this mass in the subarea plan and drill down the details with the Cheney residents, or is this good enough? Henrichsen believes that we are probably very near an effort to talk about all of the annexation issues and a lot of that may help form a nucleus for the residents to discuss their future. Generally, in terms of their proposal for 20 acres of commercial use (200,000 sq. ft.), that large of a development on the north side of Cheney given the proposed access points would not be appropriate in terms of size and scale.

Hunter commented that she has heard information that seems to indicate that Planning is on the road to some sort of an agreement to change the Rogge property designation. She asked whether that agreement is really close. Henrichsen referred to #3 and #6 of the List of Requests (Exhibit “A”). What is shown as special residential and used to be shown as residential transition, did not mean the “R-T” zoning district. The staff continues to recommend Special Residential for the Rogge property. Rogge is requesting commercial/office.

With regard to #8, the Portsche property and Hunzeker’s proposed text amendment, Henrichsen agreed with Humble’s comments that some agreement should be concluded prior to Council approval. The staff would be opposed to paragraph 1) of the Hunzeker proposed amendment which discusses office use for the Portsche property. The remainder of the Hunzeker amendment is acceptable and would be inserted in the subarea plan text on page 12. He does not believe the city has agreement that this site should be office use.

Schwinn believes that the 7th Day Adventist Building is an office building. Henrichsen disagreed. It is not an office building and it does not have office zoning. It is a church zoned AG.

Henrichsen then commented upon the Pine Lake Association proposed text amendment (Exhibit “B”). The staff is not in favor of that text amendment because it proposes some very specific things. The language in the subarea plan today does not say the streets have to go forward. When a plat comes forward, that would

be the time to discuss the pro's and con's in terms of the street connections. Schwinn believes the designation on the map is also clear.

With regard to the concerns of RWD#1, Henrichsen stated that the staff realizes it is an important point, but the proposed language is too specific in terms of how reimbursement to the RWD is going to be done. This issue will also need to be addressed by Cheney and other property owners, including Andermatt.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 7, 2001

Steward moved to approve the **"Southeast Lincoln/Highway 2 Subarea Plan"** as proposed and revised by staff, dated February 22, 2001, with amendment to add the last paragraph of the Hunzeker amendment to be applied to all proposals, "The Council is advised that the Planning Commission forwards the Land Use Map and text with the recommendation that if consensus is reached among the affected owners and city staff, appropriate amendments should be adopted by the Council to incorporate that consensus.", seconded by Hunter.

Steward believes that we have been at this long enough and there is a deep sense of progress and consensus since the Commission first reviewed the plan. Yet there are still some remaining concerns and he believes some of the proponents are asking for an assurance that that door is still open until the time of Council action. He believes it is equitable for that door to be open for all parties. He believes that the Commission should indicate strong support for the plan as presently proposed.

Hunter withdrew her second because she is not in favor of attaching the amended language to all proposals. She would want that language to only apply to the Portsche property.

Duvall then seconded the main motion.

Hunter moved to amend that the additional language apply only to the Portsche property, the triangle with Hwy 2, Pine Lake Road and 84th, seconded by Krieser. With a subarea plan that has been in discussion for other four months, Hunter does not know how, at the 12th hour, we suddenly pass something on to the City Council with a basket that says, "here it is, but you message everything there is to message". It is our job to send something on to the Council that is workable. She wants to restrict the amendment to the project that proposed it.

Steward does not intend to discount the practicability and accomplishments of the subarea plan. His objective is to say the subarea plan is valid. Given a personal preference, he would say there should be no amendment, but under the circumstance that there is serious discussion underway and staff has indicated intention to continue that discussion, it seems like the Commission should allow them to continue the discussion and say to the City Council that the Commission has worked on this long and hard. He believes that every other property owner should have the same right as the Hunzeker client.

Carlson believes they still have that right. He worries because the Commission's charge is to forward a recommendation. He believes that the comment should be specific to the specific parcel. He does not know whether we need to make reference to the other property owners.

Motion to amend to restrict the Hunzeker language to the Portsche property (triangle) carried 5-3: Carlson, Hunter, Krieser, Taylor and Newman voting 'yes'; Steward, Duvall and Schwinn voting 'no'; Bayer absent. Hunter hopes that this Commission is going to take extreme caution in making any kind of changes in the future. We made an extreme commitment to make sure that Hwy 2 develops in a way that would not replicate Cornhusker Highway and some of the other streets in Lincoln. That was one of the reasons she wanted to make that pass forward.

Schwinn commented on the statement that Pine Lake Association is "99%" satisfied. If you go through a process like this and they are 99% satisfied, that is a pretty good deal.

Main motion to approve the revised Southeast Lincoln/Highway 2 Subarea Plan dated February 22, 2001, with amendment, carried 8-0: Carlson, Steward, Hunter, Krieser, Taylor, Duvall, Newman and Schwinn voting 'yes'; Bayer absent.